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SENATE BILL 50

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Richard M. Romero

AN ACT

**RELATING TO HEALTH; REQUIRING THAT ENGINE COOLANT AND
ANTIFREEZE CONTAIN A BITTERING AGENT TO MAKE IT UNPALATABLE.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. BITTERING AGENT REQUIRED IN ENGINE COOLANT AND
ANTIFREEZE. -- Engine coolant or antifreeze sold in this state
after October 1, 2004 that is manufactured after July 1, 2004
and that contains more than ten percent ethylene glycol shall
include denatonium benzoate at a minimum of thirty parts per
million as a bittering agent within the product to make it
unpalatable. Another aversive agent may be used if it meets or
exceeds the degree of aversion in test subjects obtained by
utilizing the formulation of thirty parts per million of
denatonium benzoate in antifreeze.**

Section 2. REQUIREMENT OF DOCUMENTATION BY PRODUCT

underscored material = new
[bracketed material] = del ete

underscored material = new
[bracketed material] = delete

1 MANUFACTURER OR PACKAGER. -- A manufacturer or packager of a
2 product subject to the provisions of this act shall keep a
3 record of the trade name, scientific name and active
4 ingredients of bittering agents used pursuant to this act.
5 Information and documentation records shall be furnished to a
6 member of the public upon request.

7 Section 3. LIABILITY. --

8 A. A manufacturer, distributor, recycler or seller
9 of an automotive product that is required to contain an
10 aversive agent pursuant to this act is not liable to a person
11 for personal injury, death or property damage that results from
12 the inclusion of denatonium benzoate in ethylene glycol
13 antifreeze.

14 B. The limitation on liability pursuant to
15 Subsection A of this section is applicable if denatonium
16 benzoate is included in ethylene glycol antifreeze in
17 concentrations pursuant to Section 1 of this act.

18 C. The limitation on liability pursuant to
19 Subsection A of this section does not apply if the personal
20 injury, death or property damage results from willful or wanton
21 misconduct by the manufacturer, distributor, recycler or seller
22 of the ethylene glycol antifreeze.

23 Section 4. APPLICABILITY. -- This section shall not be
24 construed to apply to:

25 A. the sale of a motor vehicle that contains engine

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underscored material = new
[bracketed material] = delete

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coolant or antifreeze; or

B. wholesale containers of antifreeze containing
fifty-five gallons or more of the antifreeze.